Kind of data required	(b) Notes	General use patterns									Test substance		Guidelines reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
•		•	•	•	•	•	•	•		•			
Efficacy of Vertebrate Control Agents													
Avian toxicants	(1)	(R)	(R)						(R)	(R)		EP*	96-5
Avian repellents	(1)	(R)	(R)						(R)			EP*	96-6
Avian frightening agents	(1)	(R)	(R)						(R)			EP*	96-7
Bat toxicants and repellents.	(1)									(R)		EP*	96-9
Commensal rodenticides	(1)	(R)	(R)						(R)	(R)	TEP	EP*	96-10
Rodenticides on farm and rangelands.	(1)	(R)	(R)						(R)			EP*	96-12
Rodent fumigants	(1)	(R)	(R)						(R)	(R)		EP*	96-13
Rodent reproductive inhibitors.	(1)	(R)	(R)						(R)	(R)		EP*	96-16
Mammalian predacides	(1)	(R)	(R)						(R)			EP*	96-17
•		•	•	•	•	•	•	•		•			

(b) Notes. The following notes are referenced in column two of the table contained in paragraph (a) of this section.
(1) The Agency has waived all requirements to submit efficacy data unless the pesticide product bears a claim to control pest microorganisms that pose a threat to human health and whose presence cannot readily be observed by the user including, but not limited to, microorganisms infectious to man in any area of the inanimate environment or a claim to control vertebrates (such as rodents, birds, bats, canids, and skunks) that may directly or indirectly transmit diseases to humans. However, each registrant must ensure through testing that his products are efficacious when used in accordance with label directions and commonly accepted pest control practices. The Agency reserves the right to require, on a case-by-case basis, submission of efficacy data for any pesticide product registered or proposed for registration.
(2) [Reserved].

PART 162—[AMENDED]

3. By revising § 162.163(b)(2) and adding OMB Control Number 2070–0060 at the end of the section to read as follows:

§ 162.163 Data required for agency review of applications for conditional registration.

* * * * *

(b)* * *

(2) *Efficacy data.* (i) Efficacy data for each product to the extent required by 40 CFR 158.160; and

(ii) Efficacy data for each product for which a new or added use is proposed, if the product contains an active ingredient, some uses of which have been suspended, cancelled, or are the subject of a notice issued under § 162.11(a)(3)(ii), and the risks identified in the notice or suspension/cancellation action may reasonably be anticipated as a result of the new use.

* * * * *

(Approved by the Office of Management and Budget under Control Number 2070–0060.)

[FR Doc. 85–26940 Filed 11–12–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 717

[OPTS–83001F; TSH FRL 2895–3]

Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends two provisions of the rule that implements section 8(c) of the Toxic Substances Control Act (TSCA). The first amendment states that the "coincidental manufacture" of a chemical substance by itself is not an act that makes a person subject to the rule. A second amendment modifies the language regarding which chemical processors are subject to the rule. This rule also answers questions regarding the relationship of section 8(c) to section 8(e) and who is responsible for 8(c) recordkeeping when a subsidiary is owned equally by two parent companies.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight time on December 27, 1985. This rule shall become effective on November 27, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator—202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

EPA issued a final regulation implementing section 8(c) of TSCA which was published in the **Federal Register** of August 22, 1983 (48 FR 38178). This rule became effective on November 21, 1983. The rule requires manufacturers and certain processors of chemical substances and mixtures to keep records of "significant adverse reactions" alleged to have been caused by such substances or mixtures. After promulgation, the Agency determined that it needed to clarify certain provisions of the rule based upon questions and other communications. EPA proposed amendments to the rule which were published in the **Federal Register** of December 24, 1984 (49 FR 49865). That notice proposed two basic amendments to the rule.

One of the proposed amendments involved exempting persons whose sole "manufacturing" activity involved the coincidental production of chemical substances. The American Paper Institute (API) brought it to the Agency's attention that such an exemption should have been included in the final rule. Similar provisions are included in the TSCA Inventory Regulations and the Premanufacture Notification (PMN) rules. The Agency agreed with API to the extent that the lack of such a coincidental manufacturer exemption was a technical oversight in the preparation of the final section 8(c) rule. EPA considered issuing a statement of intent not to enforce the rule with respect to such "manufacturers." However, Agency staff determined that the most appropriate method was to propose an amendment to the section 8(c) rule specifically exempting such persons. The proposed exemption was intended to apply to persons—not to allegations about coincidentally produced substances. As part of this action, language was proposed to be added to the rule under paragraphs that outline what allegations a manufacturer or processor must keep. This language was intended to close any potential gap that would have prevented recordkeeping of allegations relating to coincidentally produced substances.

The other proposed amendment was intended to clarify which chemical processors are subject to the rule. The rule cites the Standard Industrial

Classification (SIC) codes 28 and 2911 to delimit the processors that the Agency determined should be required to keep records under this rule. However, the language "engaged in activities described" in these SIC codes was criticized as being too vague. Therefore, the proposed amendment modified the language and put the emphasis on a company's end products being of a type described in these SIC codes.

The proposal notice also presented clarifying remarks, all related to sections of the rule that specify who is and who is not subject to the rule's requirements.

II. Discussion of Comments

EPA received comments from the following organizations: Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Environmental Defense Fund, General Electric Company, National Paints and Coatings Association, and the Dow Chemical Company. Although none were received by the comment deadline of February 22, 1985, the Agency fully considered all of these comments.

In general, the Chemical Specialties Manufacturers Association, the Chemical Manufacturers Association, and the National Paints and Coatings Association agreed with the two proposed amendments. However, other comments disagreed with EPA on certain points of the proposed amendments and additional questions were raised regarding the 8(c) rule.

Therefore, this unit contains three subunits. Two of the subunits outline comments on the two proposed amendments and give EPA's response. A third subunit deals with additional questions.

A. Amendment To Exempt Concidental Manufacturers

Comments. The Environmental Defense Fund (EDF) objected to the proposal of a coincidental manufacturer exemption. EDF contends that the amendment is not consistent with the general intent of section 8(c) to generate information related to toxic effects of chemical substances and that no overriding public interest is served by such restriction. EDF disagreed that the proposed amendment was consistent with the rule's promotion of product stewardship, i.e. that the producer rather than the user of a chemical product should be responsible for keeping allegations records. They state that such assumed responsibility can be exeedingly burdensome and complex and that it is highly unlikely that the original producer could, with the best of intentions, maintain adequate surveillance of all persons involved in the life history of a product. EDF also expressed the opinion that the proposed exemption of coincidental manufacturers was developed with inadequate attention to possible situations in which adverse effects could result from coincidental generation of hazardous substances. An example cited is the depolymerization of chemical substances during high temperature molding processes with subsequent generation of toxic monomers. EDF contends that with the adoption of a coincidental manufacturer exemption such persons "would be under no obligation to report any adverse effects," presumably to EPA.

The Dow Chemical Company (Dow) objected to part of the proposed coincidental manufacturer exemption. Dow's basic contention is that the user of their product should keep allegations relating to coincidental generation of substances during such use or disposal.

As Dow states it, coincidental manufacture of chemicals may occur several steps in the marketing chain away from the original manufacturer or processor and may involve more than one supplier at any step. Of special concern to Dow is the problem of coincidental manufacture occurring after mixture with one or more additional substances. It is especially when such multi-component systems exist that Dow argues for section 8(c) recordkeeping by the location most closely associated with the production of the reaction product. Dow asserts that the goals of section 8(c) would be better served if the customer, user, or disposer kept allegation records and were able to discern patterns of complaints which could be associated with a given supplier over a period of time.

EPA's response. As stated in Unit I, EPA views the coincidental manufacturer exemption as basically a technical amendment. EPA never intended to require such "coincidental manufacturers" to keep records. The absence of such exemption language in the final rule was an inadvertent omission on the Agency's part. Therefore, EPA disagrees with EDF's characterization of the amendment as a "restriction."

By not specifically exempting such manufacturers both EDF and Dow are asking EPA to apply the section 8(c) rule to potentially hundreds of thousands of users of chemical substances. Such action would totally reverse the rule's emphasis of focusing the recordkeeping responsibility on those who are primarily responsible for making and distributing chemical products in U.S. commerce.

EPA contends that this "sole" coincidental manufacturer exemption is consistent with the current rule because it maintains this concentration philosophy.

The product stewardship reference in the proposed amendment may have been misinterpreted by EDF. EPA intends that subject manufacturers or processors monitor closely their own corporate activities. In addition they should make a reasonable attempt to request that their customers forward to them potentially recordable allegations about their products. One basic assumption of the rule is that market forces will act to create a passback of allegations from non-subject processors/users of chemicals. In other words a subject company's own economic self interest is served by having a positive desire to find out if customers are experiencing problems with a product and why. Such a problem could be the undesirable "coincidental" generating of a toxic agent upon the intended end use of their product. EPA's contention is that product stewardship and a non-mandatory allegation passback mechanism will funnel these types of complaints or allegations to a party that has some responsibility for placing the product in commerce. It is therefore neither necessary nor practical to make the entire universe of chemical users subject to recordkeeping responsibilities of the rule.

The Agency recognizes that substances can be and are produced coincidentally during further processing, use, and disposal. This amendment does not in any way exempt from recordkeeping allegations citing a coincidentally produced substance. Again, the exemption targets "persons", not allegations that may cite a coincidentally produced substance. This is why the amendment contains language specifically stating that a subject manufacturer or processor has to collect allegations citing a substance produced coincidentally as a result of further processing, use, or disposal of that subject company's product. Otherwise, a company could refuse to record an allegation that cites a substance (the coincidentally produced substance) it does not specifically make.

EPA's basic contention is that if a company distributes a product in commerce that will, upon intended end use, produce potentially harmful byproducts, then it is incumbent upon that company, at a miminum, to record such allegations along with any other allegations that may directly cite the product as the cause of a significant adverse reaction. Dow's argument that

they should not be the keeper of such records seems no different from similar arguments put forward in comments on the initial section 8(c) rule. EPA's opinion is that the long-term advantages of being made aware of unexpected coincidental generation problems outweigh any perceived disadvantages of burden or liability associated with recording such allegations.

B. Amendment To Clarify Which Processors Are Subject

Comments. Dow, in general, objected to the use of SIC codes as a means of defining which processors are subject to the rule. Dow contends that "establishments" and not products are described in the SIC Major Groups. Dow states that the products listed in the SIC manual are intended only as illustrations to describe the results of activities which are listed within a SIC major group. Dow concludes that the proposed language attempts to alter the intended use of the SIC manual. Dow recommends two alternatives to the proposed amendment. One approach would have EPA actually list in the regulation all the products covered by the SIC 28 and 2911 major groups without reference to the SIC manual. The other option would be to modify the rule language so that it would refer to SIC code 28 and 2911 establishments and not to the products that result from activities of these establishments. In Dow's words, there would be no confusion because operators of establishments have already determined if the establishment is within SIC major group 28 or 2911 for regulatory purposes.

General Electric Company (GE) also commented on the processor issue. GE stated that EPA's proposed amendment provided little in the way of clarification. GE also criticized the use of the SIC codes as a way of defining processors subject to the rule. In GE's words, requiring a company to wade through the SIC manual every time an allegation is made regarding a company product constitutes an undue and unreasonable burden. GE recommends a simplified method outlining who in total is subject to the 8(c) rule.

GE contends that the majority of the "processors" that EPA intends to cover are actually manufacturers of mixtures. The only exception according to GE would be the repackagers of chemical substances and mixtures. Therefore, GE recommends that in order to clarify which processors are subject to the section 8(c) rule, EPA should revise the regulatory language of § 717.5 to state that persons subject to the rule include all manufacturers of chemical substances and mixtures and all repackagers of chemical substances and mixtures.

EPA's response. In finalizing the section 8(c) rule, EPA sought to develop a way to limit and at the same time adequately specify which chemical processors would have recordkeeping responsibility. It was a situation similar to the coincidental manufacturer issue where literally hundreds of thousands of businesses could be considered chemical processors. The Agency had to provide the processor universe with some criteria for determining whether it is subject to the rule. Also, the Agency needed to be able to quantify these processors for purposes of rule burden estimation.

The Agency does not consider that it used the SIC code system inappropriately in the context of its implementation of section 8(c). As stated in the SIC manual, "Each establishment is assigned an industry code on the basis of its primary activity which is determined by its principal product or group of products produced or distributed, or services rendered." These code descriptions, including representative products, provide the measure by which a company classifies its establishments. In essence, they are what they do.

With regard to the options recommended by Dow, EPA does not consider the copying of the SIC products into the regulatory language to be an improvement over the proposed amendment. The SIC manual is a well known and readily available standard reference. Transcribing the product listings into the regulatory language will not further clarify which processors are subject to the rule or reduce the regulatory burden on industry. Dow's other recommendation to target the SIC establishments was considered by the Agency prior to proposal of the amendment. It would be a somewhat more simplified means of designating who is subject but, would be more restrictive in its coverage than the Agency believes appropriate in implementing section 8(c). The SIC code refers to an establishment's "primary" activity. By adopting Dow's approach, EPA would lose coverage of companies or sites that engage in chemical processing, but that are classified under some other primary SIC code. This is why the proposed amendment placed its emphasis on end products of a site.

After careful review the Agency has determined that the GE proposal provides a way to accomplish the goals of this proposed amendment and remove from this part of the regulation the specific dependence on SIC code listings. The Agency agrees that the types of "sole" processors the agency intends to cover are those who produce and market chemical mixtures (including solutions) and those firms that repackage chemical substances or mixtures. This recommendation actually enhances the regulatory language because it expresses the Agency's intent to cover repackagers as processors. Such coverage is referenced only indirectly in the current language.

C. Issues Not Related to Proposed Amendments

1. Dow raised a question concerning a company's recordkeeping responsibility if it is one of two owners of an evenly owned subsidiary. Dow contends that in such cases the parent companies should not be responsible for section 8(c) recordkeeping. EPA's opinion is that the most reasonable course in such a case is to have the evenly owned subsidiary assume primary responsibility for recordkeeping and reporting when required under section 8(c). The two parent companies and the subsidiary should, of course, be in agreement on this course of action and, if necessary, either parent should be able to direct EPA to such records.

2. GE states that EPA has nowhere adequately discussed the relationship between section 8(c) and (e) of TSCA. They ask that EPA address this issue in the **Federal Register.**

Part of the public record of the proposed amendments are two question and answer documents prepared by EPA on the section 8(c) rule and distributed to the public. Both documents answer several questions about the section 8(c)/8(e) relationship. Excerpted and reproduced below are representative questions and answers:

Question. What is the relationship of section 8(c) records to section 8(e) reporting? Does the 15-day deadline for 8(e) reporting apply to the receipt of section 8(c) allegations?

Answer. EPA believes that section 8(c) records will be one of several sources of information that can provide "reasonable support for the conclusion that a substance poses a substantial risk to health or the environment." The 15-day "clock" for section 8(e) reporting starts at the point where a company official or employee capable of appreciating the significance of the information determines that such information provides that "reasonable support . . ." It is conceivable that just one recordable significant adverse reaction could be the trigger. Much depends on the content of the allegation. It is, perhaps, more reasonable to expect that a pattern of effects recognized from the accumulation of several allegations will, in combination with other data obtained,

lead to the determination that a section 8(e) notice must be submitted.

Question: What distinguishes 8(e) from 8(c)? What are the similarities and differences?

Answer. The 8(c) rule is primarily a recordkeeping rule, while 8(e) is a reporting requirement. The 8(c) rule requires that allegations of significant adverse reactions to health or the environment be kept whereas section 8(e) requires that evidence of substantial risk of injury to health or the environment be reported to EPA. The source of the data handled under these two provisions is also different; allegations are likely to be received from workers, consumers, and plant neighbors, while 8(e) submissions usually result from designed, controlled studies and reports strongly implicating a chemical. Section 8(e) health effects submissions focus on new serious health effects. Section 8(e) submissions are also triggered by information about significant changes in exposure circumstances with a recognized hazardous substance. Section 8(c) allegations may focus on serious health effects, but can also report lesser effect experienced by a group of individuals, or repeatedly by an individual. Both rules contain exemptions: 8(c) exempts known human effects in the scientific literature, material safety data sheets, or labeling, 8(e) exempts effects reported to EPA under other statutes, and known effects in the scientific literature.

III. Final Amendments

Based on a consideration of comments received, the Agency has determined that it will adopt the amendments to the TSCA section 8(c) rule as discussed below.

A. Exemption of Coincidental Manufacturers

The amendment regarding exemption of coincidental manufacturers is added to paragraph (2) of § 717.7(a) of the regulation. This language is adopted from similar provisions in the TSCA Inventory and PMN regulations. The difference is that this provision applies to persons whose only manufacturing act is to produce a substance coincidentally. It does not in any way exempt from the rule such substances or allegations about such substances. The amendment includes paragraphs added to § 717.5 in order to insure that allegations regarding coincidentally produced substances are considered for recordkeeping by those manufacturers and processors that are subject to the rule. Specifically, these are § 717.5(a)(2)(iv) and (b)(2)(iv).

B. Revision of Processors Subject to the Rule

Amendment language that revises the description of processors subject to the rule can be found under § 717.5(b)(1). As discussed above, this amendment changes the emphasis of the processor designation from a dependence on certain SIC code designations to whether a company is producing mixtures or is involved in repacking chemical substances or mixtures. Section 717.5(b)(2) discusses the types of allegations that processors must collect. Language in § 717.5(b)(2)(i) has been modified to be consistent with removal of references to the SIC codes.

Section 717.7(b) has been deleted from the rule. The Agency has determined that this paragraph is unnecessary because, as an exemption, it functioned only to state the converse of § 717.5(b)(1).

IV. Public Record

EPA has established a public record for this rulemaking [Docket number OPTS–63001D]. The record, along with a complete index, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OTS Reading Room, Rm. E–107, 401 M St., SW., Washington, D.C. 20460. This record includes basic information that the Agency considered in developing the proposed amendments and comments received on the proposal. The record includes the following documents.

1. The final rule implementing TSCA section 8(c).
2. The proposed amendments.
3. Letters from the law office of Wald, Harkrader and Ross representing the American Paper Institute (September 27, 1983, November 22, 1983, December 16, 1983 and December 20, 1983).
4. Documents regarding questions and answers on the final section 8(c) rule dated November 1983 and July 1984.
5. Comments from the following organizations: Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Environmental Defense Fund, General Electric Company, National Paints and Coatings Association and the Dow Chemical Company.
6. This final rulemaking.

V. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. The final regulation implementing TSCA section 8(c) is not major because it does not have an effect of $100 million or more on the economy. The Agency has further determined that the final amendments in this notice will not change the status of the regulation for the purposes of E.O. 12291 review.

This regulation has been submitted to the Office of Management and Budget for review as required by E.O. 12291.

B. Regulatory Flexibility Act

These amendments are consistent with the objectives of the Regulatory Flexibility Act (Pub. L. 96–354) because under the Agency's criteria, they will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., authorizes the Director of the Office of Management and Budget to review certain information collection requests by Federal agencies. The reporting provisions of the final TSCA section 8(c) rule were approved in October of 1983 and confirmed in the **Federal Register** of June 5, 1984 (49 FR 23182) and carry the OMB control No. 2070–0017.

The amendments in this notice do not change the recordkeeping or reporting provisions of the rule. They are designed to clarify which chemical manufacturers and processors are subject to the rule. This will not result in an increase in the number of persons subject to the rule and may actually result in a decrease in the impact of the rule on the regulated community through clarifying the rule's requirements.

List of Subjects in 40 CFR Part 717

Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements, Significant adverse reactions.

Dated: November 1, 1985.

Lee M. Thomas,

Administrator.

PART 717—[AMENDED]

Therefore, 40 CFR Chapter I, Part 717 is amended as follows:

1. The authority citation for Part 717, Subpart A is revised to read as follows:

Authority: 15 U.S.C. 2607(c).

2. In § 717.5, paragraph (a)(2)(iv) is added, paragraphs (b)(1) and (2)(i) are revised; and paragraph (b)(2)(iv) is added to read as follows:

§ 717.5 Persons subject to this Part.

(a) * * *

(2) * * *

(iv) Any allegation identifying a substance produced coincidentally during processing, use, storage or disposal of a chemical substance it manufactures.

* * * * *

(b) *Processors.* (1) A person who processes chemical substances, who is not also a manufacturer of those chemical substances, is subject to this Part if (i) the person processes chemical substances to produce mixtures, or (ii) the person repackages chemical substances or mixtures.

* * * * *

(2) * * *

(i) Any allegation identifying any mixture it produces and distributes in commerce and any allegation identifying any chemical substance or mixture it repackages and distributes in commerce.

* * * * *

(iv) Any allegation identifying a substance produced coincidentally during the processing, use, storage or disposal of the products described in paragraph (b)(2)(i) of this section.

* * * * *

3. In § 717.7, the text following the title "Manufacturers" is redesignated as paragraph (a)(1), paragraph (a)(2) is added, and paragraph (b) is removed and reserved as follows:

§ 717.7 Persons not subject to this part.

(a) *Manufacturers.*

(1) * * *

(2) A person is not subject to this Part if the chemical substances that person causes to be produced are limited to:

(i) Chemical substances that result from chemical reactions that occur incidental to exposure of another chemical substance, mixture, or article to environmental factors such as air, moisture, microbial organisms, or sunlight.

(ii) Chemical substances that result from chemical reactions that occur incidental to storage or disposal of other chemical substances, mixtures, or articles.

(iii) Chemical substances that result from chemical reactions that occur upon end use of other chemical substances, mixtures, or articles such as adhesives, paints, miscellaneous cleaners or other housekeeping products, fuel additives, water softening and treatment agents, photographic films, batteries, matches, or safety flares, and that are not themselves manufactured or imported for distribution in commerce for use as chemical intermediates.

(iv) Chemical substances that result from chemical reactions that occur upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, or paints, or other chemical substance formed during the manufacture of an article destined for the marketplace without further chemical change of the chemical substance.

(v) Chemical substances that result from chemical reactions that occur when (A) a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, surfactant, plasticizer, corrosion inhibitor, antifoamer or defoamer, dispersant, precipitation-inhibitor, binder, emulsifier, deemulsifier, dewatering agent, agglomerating agent, adhesion promoter, flow modifier, pH adjuster, sequestrant, coagulant, flocculant, fire retardant, lubricant, chelating agent, or quality control reagent functions as intended, or (B) a chemical substance, which is intended solely to impart a specific physicochemical characteristic, functions as intended.

(b) [Reserved]

* * * * *

[FR Doc. 85-26939 Filed 11-12-85; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2780

[Circular No. 2572]

Special Areas; Final Rulemaking Removing Provisions Relating to Lands Within the Choctaw-Chickasaw Nations and Arkansas Drainage Districts

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking removes from Title 43 of the Code of Federal Regulations the existing regulations covering lands within the Choctaw-Chickasaw Nations and Arkansas Drainage Districts. These regulations are no longer needed because the Act of August 3, 1955, and the Act of January 17, 1920, were repealed by the Federal Land Policy and Management Act of 1976. The regulations have been retained to facilitate the handling of any actions pending at the time of repeal.

EFFECTIVE DATE: December 13, 1985.

ADDRESS: Any suggestions or inquiries should be sent to: Director (320), Bureau of Land Management, Main Interior Bldg, Room 3643, 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Gary L. Rowe, (202) 343-8693.

SUPPLEMENTARY INFORMATION: This final rulemaking removes from the existing regulations provisions covering lands within the Choctaw-Chickasaw Nations and Arkansas Drainage Districts, 43 CFR Subparts 2781 and 2784, respectively. These provisions are being removed because they were repealed by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). Specifically, the Act of August 3, 1955 (43 U.S.C. 1102), authorizing the Secretary of the Interior to manage and dispose of any interest in lands which were conveyed to the United States by the Choctaw-Chickasaw Nations, and the Act of January 17, 1920 (43 U.S.C. 1041-1048), providing that all unreserved public lands within certain townships in Arkansas were subject to the laws of the State of Arkansas relating to organization of water drainage districts, were repealed. The regulations have been retained to facilitate the handling of any actions that might have been pending at the time the two Acts were repealed. All pending actions have been completed and the regulations are no longer needed. This administrative action removes these regulations from the Code of Federal Regulations. Even though all actions covered by the two Acts have been completed, rights, such as life estates and sales, granted pursuant to the Acts, may still exist. The Bureau of Land Management does not expect any issues to arise under these existing rights requiring consideration under the regulations that are being removed by this final rulemaking. However, should any questions arise concerning rights previously granted under these regulations, earlier editions of the Code of Federal Regulations will remain available to assist in interpretation.

The principal author of this final rulemaking is Gary L. Rowe, Division of Lands, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1968 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

There are no information collection requirements contained in this final rulemaking requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.